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ABSTRACT

The Report of the 1999 Commission on Public Relations Education recommends that undergraduates study the legal and ethical issues involved in the practice of public relations. When the educator/author first began teaching a Communication Law course at Northwest Missouri State, it was offered through the Mass Communication Department, was required of all journalism and broadcast students as well as public relations students, and did not have an ethics component. If the issue of ethics was brought into the course, it was done so by the instructor as a responsibility counterpoise to a legal right. When the number of students grew to about 30 students per course within three sections (and one-fourth to one-third were public relations students), the possibility was raised of instituting a separate public relations law and ethics course. After some discussion, that separate course was instituted. This paper explores the advantages and disadvantages of that choice. The paper cites five advantages, among them that material can be added which is specific to public relations and that problems and class discussion can be tailored to fit individual needs of different majors. It lists four disadvantages, such as that splitting off the public relations course further increases fragmentation within the communication professions and that there is no good text which is specifically designed for the course. (NKA)

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The Public Relations Law and Ethics Course

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The legal system provides the basic framework within which the communication professional operates, whether the chosen profession is print journalism, mass media, public relations, or some other communication profession. The communication professional is also exposed to various legal risks that are unique to the profession in which they are engaged. As a consequence, a basic understanding of the legal system, the rationale that guides it, and the major issues impacting the various areas of print and electronic mass communication, public relations, etc., is important.

Because the American communication system is structured by the First Amendment which guarantees that there shall be minimal legal restraints on communication, the issue of ethics takes on added importance. Communication professionals, unlike professionals in such fields as law, medicine and even plumbing and cosmetology, are not subject to being licensed, required to successfully complete a prescribed educational program, or subjected to governmental oversight of their performance. As a consequence, it is imperative that the communication professional understand and refine his/her own ethical standards as well as have an understanding of those ethical principles accepted by society and practiced in the chosen field, be it journalism, mass media or public relations.

Because of such issues, the Report of the 1999 Commission on Public Relations Education recommends that undergraduates study the legal and ethical issues involved in the practice of public relations. When I first started teaching the Communication Law course at Northwest Missouri State, it was offered through the Mass Communication Department, was required of all journalism and broadcast students as well as the public relations students in the Communication Department and it did not have an ethics component. If the issue of ethics was brought into the course, it was done so by the instructor as a responsibility counterpoise to a legal right.

As the number of majors in the various areas grew, so did the number of sections of the course. Several years ago, the number of sections reached three per year with approximately 30 students in a section. Of that number of students, about one fourth to one third were public relations students. At that point, the possibility was raised of instituting a separate public relations law and ethics course. After some discussion, that

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was what was decided upon. This paper explores the advantages and disadvantages of that choice.

Advantages of a separate public relations law and ethics course

1. Material can be added that is specific to Public Relations that is not particularly relevant to other communication areas. For example, in the public relations law course, I discussed such areas as the laws relating to new product introduction and did an overview of the law of warranties and an introduction to the rules and regulations relating to financial public relations. Such material is not relevant to a print or broadcast journalism student. If such material is introduced into a course that is predominantly comprised of such students in order to accommodate the public relations students, issues arise as to effective use of time, etc.

2. Material can be deleted that is not relevant to the public relations student. For example, the law of obscenity is an area that is traditionally covered in a communication law class but is not as relevant to a public relations student. As a result, that area can be briefly mentioned and then passed over. The same holds true for other areas such as fair trial/free press.

3. Material can be tailored and adapted to the public relations student. For example, both journalism and public relations students are interested in the area of privacy but the areas of privacy that are relevant to the different majors are not the same. For the public relations student, the areas of privacy that are most relevant are appropriation and false light but for the journalism student, intrusion and publication of embarrassing private facts are equally, if not more, important. For the journalism student, freedom of access to governmental information/meetings is a major area of concern. This is much less so for the public relations student. The importance of the rules and regulations governing the electronic media is not the same for the two different majors. The codes of ethics are different for the different communication fields. Etc.

4. Problems and class discussions can be tailored to fit the individual needs of the different majors. For example, an area of study that is crucial to both mass communication and public relations students is libel. But the ways that libel issues are likely to arise are not the same. For public relations professionals, the libel issue is most likely to be encountered in press releases and press conferences, communication devices not initiated by journalists and broadcasters. In separate courses, examples, cases that arise from those examples, and class discussions can be specifically directed to the concerns of the different majors. This is also true for paper assignments and tests.

5. Putting law and ethics in the same course helps the instructor to more easily explore the relationships between the two areas. Often, when the law and ethics courses are not together, the tendency, especially if the same instructor is not teaching both courses, is to bracket the area outside the course and tell the students to remember the issue and take it up in the other course. This creates an artificial dichotomy between two

areas that are intimately related. If the issues are put into the same course, while some discussion may be delayed until later in the course, the relationship is clear and the issues can usually be addressed at the same time.

Disadvantages of a separate public relations law and ethics course

1. Splitting off the public relations course further increases fragmentation within the communication professions. Having a public relations law and ethics course separate from the communication law and communication ethics courses reinforces a perception of separateness among the communication disciplines which at least some of us see as undesirable. All of the communication fields operate under the same legal and philosophical system and express respect for very similar ethical approaches. There is far more that unites the fields than separates them. Yet the practitioners of public relations and of journalism see themselves as being in very disparate disciplines. Providing separate courses in such basic areas as law and ethics may reinforce that perception of separateness that helps fuel the continuing rivalries and lack of understanding and respect.

2. Many people in the journalism, broadcast, and public relations fields interchange jobs and careers and, as a result, need the common knowledge that is provided in the more general communication law and communication ethics courses. If, for example, a student took the tailored public relations law and ethics course and then switched into a journalistic career, that person would not have been exposed to some of the issues and approaches important for the field of journalism.

3. Lack of a good, course specific textbook. One of the drawbacks of teaching a separate public relations law and ethics course is that there is no good text that is designed specifically for the course. A text by Simon titled *Public Relations Law* was published in 1969 but was not updated. There have been several short treatises of fairly recent vintage—Walsh, "Public Relations and the Law" and Klein, "Public Relations Law: The Basics"—but they are designed more for the practitioner than for the classroom. Recently, Erlbaum published a textbook by Moore, Farrar, and Collins titled *Advertising and Public Relations Law*. While it is good in many ways, it also is not tailored specifically for public relations, is a textbook, not a casebook (a negative for me), has a lot of communication law carryover, and does not do as much as might be desired with ethics. As a result of this lack, any such course must be cobbled together using materials from varying places and of varying quality.

4. There is a time and distribution issue in any such course. Quite often, the communication law course is a three hour course while the communication ethics course is a separate three hour course. While some time is saved by more closely tailoring the course to the needs of the student, time becomes an issue in a combined course. Other issues involve such things as which area, law or ethics, takes precedence in terms of sequencing and time.

In my new position at Concordia College, I have been asked to design a mass communication law and ethics course for a new major in journalism. While the course was proposed and developed for the journalism major, it is being designed to accommodate media and public relations students as well. At Concordia, instead of a specific number of credits needed for graduation, a specific number of courses are needed. Courses are offered as either full courses (4 hours) or half courses (2 hours.) This course is being offered as a two hour law course followed by a two hour ethics course. While it is anticipated that the same instructor will teach both sections, that they will be offered at the same time slot, and that the same students will take both courses, they are being structured as two stand alone courses. This creates a time issue because, for me, the proper distribution, for various reasons, would probably be three to one law to ethics.

Conclusion

The conclusion to this discussion is rather inconclusive. There are reasons for and against doing a public relations law and ethics course separate from the more standard communication law and communication ethics courses. Acquainting students with the basic problem areas in law and ethics and teaching them to be able think and effectively communicate about such areas is probably more important than any specific course content or sequencing. If they are provided with those skills, then any design of the course area serves the purposes that the instructor is looking for.